

Meeting of 2011-1-11 Regular Meeting

MINUTES  
LAWTON CITY COUNCIL REGULAR MEETING  
JANUARY 11, 2011 6:00 P.M.  
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor Fred L. Fitch                      Also Present:  
Presiding                      Larry Mitchell, City Manager  
   Frank V. Jensen, City Attorney  
   Traci Hushbeck, City Clerk  
COL Ray Lacey, Fort Sill Liaison

Mayor Fitch called the meeting to order at 6:00 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Dr. William Sprague, Northwest Baptist Church, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT:                      Bill Shoemate, Ward One  
Michael Tennis, Ward Two  
Janice Drewry, Ward Three  
Jay Burk, Ward Four  
Richard Zarle, Ward Six  
Stanley Haywood, Ward Seven  
   Doug Wells, Ward Eight

ABSENT:                      Robert Shanklin, Ward Five

AUDIENCE PARTICIPATION:

Karolyn Anders, Holiday in the Park Committee, presented a \$1,000 check to Jeri Mosimon, Executive Director of the Lawton Food Bank.

Ms. Mosimon stated they have fed over 1,000 families in the month of December alone and the donation is much needed.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF DECEMBER 21, 2010.

MOVED by Drewry, SECOND by Burk, to approve the minutes of Lawton City Council regular meeting of December 21, 2010. AYE: Tennis, Drewry, Burk, Zarle, Haywood, Wells, Shoemate. NAY: None. MOTION CARRIED.

CONSENT AGENDA: The following items are considered to be routine by the City Council and will be enacted with one motion. Should discussion be desired on an item, that item will be removed from the Consent Agenda prior to action and considered separately.

Wells requested item #2 and Haywood requested #8 be considered separately.

MOVED by Drewry, SECOND by Burk, to approve the consent agenda with the exception of items #2 and #8. AYE: Drewry, Burk, Zarle, Haywood, Wells, Shoemate, Tennis. NAY: None. MOTION CARRIED.

1. Consider adopting a resolution ratifying the action of the City Attorney and the City Manager in directing our third party administrator to make payment on the judgment in the Workers' Compensation case of Richard G. Wallace in the Workers' Compensation Court, Case No. 2010-07241A. Exhibits: **Resolution No. 11-01.**

2. Consider ratifying the actions of the Assistant City Manager and approving Change Order # 4 for the Rehabilitation of Old Lawton High School Phase III Parking Lots (F.A. Project No. STP-116E(177)EH, State Job Piece Number 26406(04)) subject to approval by the Oklahoma Department of Transportation. Exhibits: Contract Change Order No. 4.

Wells questioned what action are they ratifying?

Bryan Long, Assistant City Manager, stated there was no access to handicap parking and visitor parking in the circle drive at the new City Hall because of a change that took place with the drive entrance.

Wells questioned exactly what was done.

Mitchell stated they had to change the returns at the intersection to adequately provide for ADA off the sidewalks.

Long stated staff is requesting the City Council approve the change order.

Wells clarified that Long approved the action pending Council approval. He stated in the key issues section of the commentary it refers to change order #3.

Mitchell stated that should have read change order #4.

MOVED by Wells, SECOND by Zarle to approve ratifying the actions of the Assistant City Manager and approving Change Order # 4 for the Rehabilitation of Old Lawton High School Phase III Parking Lots (F.A. Project No. STP-116E(177)EH, State Job Piece Number 26406(04)) subject to approval by the Oklahoma Department of Transportation. AYE: Burk, Zarle, Haywood, Wells, Shoemate, Tennis, Drewry. NAY: None. MOTION CARRIED.

3. Consider approving Change Order # 3 for the Rehabilitation of Old Lawton High School Phase IV. Exhibits: Architect s Change Order No. 3, dated January 4, 2011.

4. Consider Adopting a Resolution supporting and authorizing the City of Lawton to apply for a grant from the Oklahoma Strategic Military Planning Commission in the amount of \$200,000 for improvements to the Lawton Regional Airport. Exhibits: **Resolution of Support 11-02** and Copy of OMPC Grant Application.

5. Consider acknowledging receipt of permits for the construction of sanitary sewer lines from the Oklahoma State Department of Environmental Quality to the serve the Lawton Airport Phase II Project, City of Lawton, Comanche County, Oklahoma. Exhibits: Location Map.

6. Consider approving Change Order No. 1 for the 2008 CIP Waterline Replacement Phase 3 Project #2010-1 with Luckinbill, Inc. Exhibits: None.

7. Consider accepting a 10-inch waterline, turn lanes, easement, and maintenance bonds to serve New Light Church located at 5901 SW Lee Boulevard. Exhibits: Location Map  
Easement and Maintenance Bonds on file in City Clerk s Office.

8. Consider setting the date of February 22, 2011, to hold a public hearing to close the 20-foot alley adjacent to Lots 1 9, Block 9, Industrial Addition, and the 5-foot alleys between Lots 1 9, Block 9, Industrial Addition, located approximately at 410 SE Larrance Street. Exhibits: Application and Location Map.

Haywood questioned what was going to be done with the alley.

Richard Rogalski, Planning Director, stated in the Industrial Addition there are a bunch of alleys that were platted and in some cases buildings were built on top of the alley. He stated this action will be to set the date of February 22<sup>nd</sup> for the public hearing. He stated the owner wants to close those alleys and create a big block so they can develop.

MOVED by Haywood, SECOND by Tennis to approve setting the date of February 22, 2011, to hold a public hearing to close the 20-foot alley adjacent to Lots 1 9, Block 9, Industrial Addition, and the 5-foot alleys between Lots 1 9, Block 9, Industrial Addition, located approximately at 410 SE Larrance Street. AYE: Zarle, Haywood, Wells, Shoemate, Tennis, Drewry, Burk. NAY: None. MOTION CARRIED.

9. Consider adopting a Resolution authorizing the installation of traffic control measures on: the south side of NW Ozmun Avenue east of NW 34<sup>th</sup> Street; northbound and southbound SW 52<sup>nd</sup> Street near the creek between SW Lee Boulevard and SW Bishop Road; on the east side of the ramp from Fort Sill Boulevard onto Cache Road near the Central Middle School; and eastbound and westbound SW Lee Boulevard between SW 38<sup>th</sup> Street and SW 52<sup>nd</sup> Street. **Resolution No. 11-03** and Traffic Commission Minutes and Traffic Issue Request.

10. Consider adopting **Street Light Resolution No. 468** to authorize the installation/removal of street lights at the location listed in the Resolution. Exhibits: Street Light Resolution No. 468.

11. Consider awarding (CL11-008) Automated Side Load Refuse Trucks to Bridgeport Truck Sales of Bridgeport, TX. Exhibits: Department Recommendation, Abstract.
12. Consider awarding (CL11-009) Tire Recapping to Southern Tire Mart Ardmore, OK. Exhibits: Department Recommendation, Abstract, Contract Extension Form.
13. Consider approving appointments to boards and commissions. Exhibits: None.
14. Consider approval of payroll for the period of December 27, 2010 - January 9, 2011.

OLD BUSINESS ITEMS:

15. Hold a public hearing and consider an ordinance closing a portion of a public utility easement on Lot 2, Block 18, Rolling Hills Development, Part 4A, located at 2061 SW 45<sup>th</sup> Street. Exhibits: November 9, 2010, Agenda Item Commentary with Exhibits.

Rogalski stated on November 9, 2010, the City Council opened the public hearing on a request to close a portion of a public utility easement on Lot 2, Block 18, Rolling Hills Development, Part 4A, located at 2061 SW 45<sup>th</sup> Street. The public hearing was continued to December 14, 2010, to allow the property owner time to reconstruct the sewer line located in the easement in a steel casing so that replacement of the line in the future can be accomplished without damage to the house. Work was not completed by December 14, 2010, and the public hearing was continued to January 11, 2011. He stated he believes that construction is completed and will be ready by the next Council meeting. Staff recommends the public hearing be continued until January 25, 2011.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Haywood, SECOND by Burk to continue the public hearing to January 25, 2011. AYE: Zarle, Haywood, Wells, Shoemate, Tennis, Drewry, Burk. NAY: None. MOTION CARRIED.

NEW BUSINESS ITEMS:

16. Consider adopting a City Council resolution to support an Oklahoma Affordable Housing Tax Credit (OAHTC) application by Cornerstone-Lawton Partners, LP. to the Oklahoma Housing Finance Agency (OHFA) and authorize the Mayor and City Clerk to execute the document. Exhibits: Resolution of Support and letter from Cornerstone-Lawton Partners, LP dated December 13, 2010.

Tim Libby, Assistant Director for Housing and Community Development, distributed a revised agenda item commentary and a revised resolution. He stated in addition to constructing a 48 unit affordable family housing development, they will also be constructing a 48 unit affordable senior housing development. He stated all they are requesting is Council support of an affordable housing tax credit project in the community. The location will be determined at a later date. He stated the Council would need to approve his division setting aside \$14,500 of Community Development Block Grant funds for financial assistance to the projects. He stated this would be an eligible use for the funds.

Long stated Bobbi Jo Lucas, President of Cornerstone Associates is in attendance.

Ms. Lucas stated she is partner and president of Cornerstone Associates, a real estate development firm out of Omaha. She stated they are making application to the Oklahoma Housing Finance Agency for two tax credit housing developments. One would be a 48 unit family development and the second would be a 48 unit senior development. She requested support from the City Council for both projects. One of the requirements for OHFA is to provide a resolution of support on behalf of the need for affordable housing within the city. He stated in addition to the resolution they are requesting community support in the amount of \$14,500 to go towards the development of the particular project.

Wells questioned if both projects were moderate/low income.

Ms. Lucas stated yes they were both restricted income.

Zarle questioned if they had purchased any land for the developments.

Ms. Lucas stated no land has been secured.

Haywood requested Ms. Lucas come back and inform the Council when the location has been determined.

Ms. Lucas stated she would, in addition to all of the planning and zoning that will be required.

Tennis questioned if the \$14,500 was for both projects.

Ms. Lucas stated this will be in support of just one project. She stated this is just for application purposes only, this is not an assurance of receiving an award from OHFA.

Mayor Fitch stated that COL. Lacey had reported that there is just not enough quality affordable housing in Lawton to take care of our soldiers.

MOVED by Wells, SECOND by Haywood to adopt **Resolution 11-04** with recommended changes. AYE: Zarle, Haywood, Wells, Shoemate, Tennis, Drewry, Burk. NAY: None. MOTION CARRIED.

#### REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Wells stated there will be a deployment ceremony the following morning at 10:00 a.m.

COL Lacey stated Brigadier General Vandell's welcome ceremony will be held on January 18<sup>th</sup> at 4:30 p.m. at the post headquarters.

Mitchell stated a workshop has been scheduled for February 1<sup>st</sup> to talk about the 2012 CIP program. He stated the west parking lot at the new City Hall is now open.

Wells questioned if the other half of the lot would be paved.

Mitchell stated eventually.

Mayor Fitch encouraged citizens to attend council meetings.

The Mayor and Council convened in executive session at 6:28 p.m. and reconvened in regular, open session at 7:10 p.m. Roll call reflected all members present.

#### BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

17. Pursuant to Sections 307B.3, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the purchase of real property which is necessary for the NW 82<sup>nd</sup> Street Sewer Line Project #2010-4, and if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #17. No action was taken.

18. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to review the employment of Nathan M. Johnson as Municipal Judge, and in open session take other action as necessary. Exhibits: None.

Mayor Fitch read the title of item #18. He stated the consensus of the evaluation is that Judge Johnson is doing an outstanding job.

MOVED by Haywood, SECOND by Wells, to approve a two year contract at an annual salary of \$88,000. AYE: Wells, Shoemate, Tennis, Drewry, Burk, Zarle, Haywood. NAY: None. MOTION CARRIED.

19. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending damage claim of Phyllis Harbert, DC-2010-059, and if necessary, take appropriate action in open session. Exhibits: None.

THIS ITEM WAS STRICKEN FROM THE AGENDA.

20. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2010-2011, between the American Federation of State, County and Municipal Employees (AFSCME) Local 3894, and, if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #20.

MOVED by Burk SECOND by Drewry, to approve a fiscal year 2010-2011 contract between AFSCME Local 3894 and the City of Lawton and authorize the Mayor, City Attorney and City Clerk to sign the contract on behalf of the City. AYE: Shoemate, Tennis, Drewry, Burk, Zarle, Haywood, Wells. NAY: None. MOTION CARRIED.

Mitchell stated he appreciated all of the city employees in attendance. He stated he appreciated the efforts of the negotiating teams and he believes they have solved a major problem with the pension system. He believes this contract will solve that problem for the next 20-25 years.

21. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2010-2011 between the Police Union, IUPA Local 24, and the City of Lawton, and, if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #21. No action was taken.

There being no further business to consider, the meeting adjourned at 7:15 p.m. upon motion, second and roll call vote.

/s/ Fred L. Fitch  
FRED L. FITCH, MAYOR  
ATTEST:

/s/ Traci L. Hushbeck  
TRACI HUSHBECK, CITY CLERK